

## OFFICE OF ATTORNEY GENERAL

MEMORANDUM

TYRONE C. FAHNER

ATTORNEY GENERAL

November 4, 1981

TO Howard Martin, Chief, Investigations Division  
FROM Reed W. Neuman  
SUBJECT Dead Creek Investigation

Ann Carr has directed me to present you with a formal request for assistance in the Dead Creek hazardous waste dumping investigation for which I have been responsible for the past 15 months. Specifically, I need the services of at least one investigator, for perhaps a month's time, to follow up on the innumerable leads generated by our investigation to this point.

The case involves a now-dry creek bed in the Cahokia-Sauget area (St. Clair County), aptly named Dead Creek, that has been seriously contaminated with a veritable smorgasbord of hazardous materials, particularly heavy metals, toxic organics, and PCB's. The heaviest contamination is found in the stretch of Dead Creek between Queeny and Judith Aves. in Cahokia. (See attached map). We first became aware of the problem in September 1980 when Illinois EPA received reports of smoldering fires in the creek, and a man's dog dying of

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chemical burns, apparently as a result of chemicals (probably phosphorus) in the creek bed.

Both Illinois EPA and the Illinois Department of Public Health conducted an initial investigation. Well and soil samples were taken (see attached lab analysis summary sheets), and Illinois DOT was brought in to erect a snow fence to seal off the area.

At this point our office got involved. From the limited information we had, several points stood out: (1) the vast array of chemical types found at the site suggested a series of separate dumping incidents, perhaps by a varied group of dumpers; (2) the composition of some of the chemicals made it plausible and even likely that <sup>they</sup> ~~it~~ had been there for perhaps 5-20 years, or more, and (3) the contamination was quite significant, such that some sort of clean-up and/or treatment would be necessary.

The area in question is the heavily industrialized southern shore of the Metro East area. Immediately to the north of the contamination area are the huge chemical complexes of Cerro Copper, Monsanto, Amax Zinc, and others, in Sauget. To the south, east, and west are mostly residential areas with some small businesses, in Cahokia. There are also several trucking/bulk hauling firms' operations bases in the vicinity. As the make-up of the neighborhood would suggest,

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there is almost continuous truck activity, much of it involving hauling finished ~~(pure)~~ or waste chemical products for area industries. In addition, several of those industries appear to have (or have had at one time) sewer connections to Dead Creek near the contamination zone. X

Since September of 1980 I have attempted, with the help of Steve Woods, to follow up on the many leads and information sources that have arisen. The memos I have attached should give you a feel for what we've learned so far. (In late 1980, pursuant to the commencement of a cooperative arrangement, DLE assigned an agent to assist with fact-finding tasks. However, in early 1981, after months of inaction the agent was pulled off the case by DLE). To this point we have been able to identify three categories of possible dumpers:

a) area industries, directly discharging to the creek via sewer point sources;

b) waste haulers, randomly dumping liquids and/or powders from generators in the metro. area; and

c) a certain bulk liquids hauling firm (Harold Waggoner and Co.) with a facility abutting the creek, at one time flushing and/or dumping chemical residues from its trucks into the creek either over the banks or via a sewer pipe.

As to the first category, industries, several of my memos relate conversations with former employees concerning wastewater discharges. I would like to firm up some of these

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details a little better, perhaps by talking to other employees privy to the same information. At some point, assuming there is a case to be made, we may have to approach management people at these companies for further details or verification. If so, I will want to formulate such an approach and perhaps initiate the contact myself.

Identifying the first category<sup>also</sup> suggests the need for a comprehensive study of waste disposal practices, both current and historical, in the area, which likely is beyond our present resources to investigate fully. You will notice in sifting through the Dead Creek memos many cross-references to information concerning possible chemical waste burial sites, used by Monsanto and others over the years (and now covered), in the Sauget-Cahokia area. I have been compiling a file on this matter, and any information you run across regarding this should be noted and forwarded to me. For now, though, I wish to focus your attention on Dead Creek.

As to the third category, there is much information pointing to Harold Waggoner & Co. Waggoner was in business at its facility from the early '60's to the mid-'70's, the last few years operating under a lease arrangement with Ruan Trucking of Des Moines. Apparently Waggoner was a primary hauler of bulk liquids for Monsanto and others, and was in the habit of flushing its trucks on job changeovers, with the residue

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being discharged to Dead Creek. The evidence is pretty firm connecting Waggoner to some of the <sup>types of</sup> material ~~types~~ found in the creek, and concerning its operational practices. Some follow-up work needs to be done to line up key former employees with knowledge of the materials handled and the disposal practices followed.

The second category is where the most work needs to be done. We have received many tips, none very solid yet, that many truckers randomly dumped at Dead Creek over the years (access being rather easy right off Queeny Ave. near the old Waggoner facility). Truckers, dispatchers etc. need to be questioned to identify persons, dates, and materials. Of the greatest interest would be any information allowing us to move against the generators of the wastes, on the theory that they authorized, were aware of, or otherwise should be responsible for the dumping. Illinois EPA has estimated a price tag for clean-up of the creek of anywhere from \$500,000 on up, so it may be imperative to line up some of the "big fish" involved in order to have them fund such a project, not the state.

Again, I have provided you with the materials necessary to see what's been done and what we still need. Of course, if need be, Steve Woods can help explain much of the work that's been done so far. Legally, what I envision is a common-law nuisance case along with various violations of the Environmental

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Page 6  
November 4, 1981

Protection Act, all civil. Once you are ready to move on this, we should have a meeting to go over strategy and goals and to prioritize tasks.

Your assistance will be greatly appreciated.

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RWN:ds

Attachments